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10/577,999	05/03/2006	Takashi Fujita	062489	3693

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EXAMINER
HENN, TIMOTHY J

ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 31 July 2009 have been fully considered but they are not persuasive.

2. With respect to claims 5 and 7 Applicant argues that the examiner is erroneously merging the functions of the second and third processors. The examiner disagrees. Asada discloses a system which determines when to output a control signal (Figure 1, Item 6; i.e. “a second processor unit for changing a setting state of the first controller unit between an active state and an inactive state”; note that the second processing unit is only required to set the state and is not required to make any other chances), according to this signal, the output is attenuated to ensure that the sound picked up by the microphone is not misrecognized as a command (Figure 1, Abstract; i.e. “a third processor unit for changing a detection characteristic of said sensor unit according to the setting state of the sound effect output unit”). Note that the generation of the signal and the changing of the characteristic are performed by two separate units.

3. Applicant further argues that the applied art does not change a detection characteristic or teach an "active" state and an "inactive" state as claimed. However, the claims as written do not explicitly state how the characteristic is changed, or what is considered to be an "active state" and "inactive state", the system of Asada is believed to read on the claim limitations as written since an attenuation may be considered an change in a "characteristic" and since the sound is prevented from being misrecognized by the attenuation, the output may be considered "inactive" as claimed. It is noted that

differentiating between "active" and "inactive" is not necessarily the same as “on” and “off”, but may be differentiated based on a level of activity. In Asada, when the output is not attenuated it is at a high level (i.e. "active") and when the signal is attenuated it is at a low level (i.e. "inactive"). While Asada does not disclose completely terminating the output signal, the claims as written do not require that the output signal change from an "on" state (e.g. a state where the signal is output) to an "off" state (e.g. a state where the signal is not output) as Applicant appears to be arguing. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, Applicant's arguments with respect to claims 5 and 7 are not considered persuasive and do not place these claims in condition for allowance.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 11-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy J Henn/
Primary Examiner, Art Unit 2622